



West Palm Beach Workers' Compensation Judge Orders Insurance Company to Pay for Injured Utility Worker's Low Back Surgery

A West Palm Beach judge recently ruled in favor of an injured utility worker who suffered extensive injuries to his [low back](#) after lifting a pallet at work. The employee initially obtained treatment with various doctors until ultimately coming under the care of a pain management physician and a spine surgeon. These two doctors provided several different courses of treatment including facet injections and epidural steroid injections. After exhausting all non-invasive care, the spine surgeon performed an L4-5 microdiscectomy on the injured worker's low back.

Following the surgery, the injured utility worker continued to experience [low back pain](#) consistent with facet joint related pain. Facet joint disorders are some of the most common recurrent disabling low back problems and can cause serious symptoms and disability. The authorized pain management physician recommended a course of post-surgical facet injections which were authorized and paid for by the workers' compensation insurance company. The injured worker was able to enjoy 48 hours of relief before the pain returned. Based on the failed course of care up to that point, the pain management doctor recommended a Radio Frequency Ablation (RFA).

The RFA, or rhizotomy, is a minimally invasive procedure where the patient remains awake throughout the process. RFAs are used by pain management doctors to treat severe chronic pain in the lower back and neck. A device is used to create radio frequency waves which produce heat that is directed to the nerves surrounding the facet joints on either side of the lumbar spine. The heat destroys the nerves ability to transmit pain signals to the brain.

However, the workers' compensation insurance company denied the RFA stating that the test was not medically necessary and the need for the procedure was not related to the workplace accident. The insurance company obtained a medical expert who questioned the injured worker's truthfulness and mistakenly testified that the injured employee did not need the RFA because he did not have pain relief after the facet injections notwithstanding the fact that the evidence demonstrated he did have pain relief.

After reviewing the medical records and doctor's depositions submitted into evidence, the Judge ruled that the carrier could not deny that the need for the RFA was causally related to the accident and correctly pointed out the insurance carrier's expert's mistake.

Based on the above information, the Judge found in favor of the injured employee, ordered the insurance company to authorize and pay for the low back RFA and to pay the injured employee's attorney's fees and costs.

If you or a loved one has been hurt at work, one of the experienced workers' compensation attorneys at the [Law Offices of Franks & Koenig](#) is waiting to speak with you for a free and confidential consultation. Why wait? Call today.

Contact us at aneuwelt@franksandkoenig.com; call us at 1-877-WE-CANHELP (932-2643) or visit us on the web at <http://www.franksandkoenig.com>